

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 08-69445

LITTLE ROCK BAPTIST CHARITY CARE
CENTER, INC.,

Chapter 11

Judge Thomas J. Tucker

Debtor.

**ORDER REQUIRING DEBTOR TO AMEND
FIFTH AMENDED DISCLOSURE STATEMENT**

On August 18, 2009, Debtor filed an amended plan and disclosure statement, in a document entitled "Fifth Amended Combined Plan and Disclosure Statement of Little Rock Baptist Charity Care Center, Inc." (Docket # 190). The Court cannot yet grant preliminary approval of the disclosure statement contained within this document ("Fifth Amended Disclosure Statement"). The Court notes the following problem, which Debtor must correct.

The Court's "Order Requiring Debtor to Amend Fourth Amended Disclosure Statement," filed August 14, 2009 (Docket # 189) provided, in relevant part:

Debtor must state that the claim of the Department of Community Health is approximately \$362,778.06.

Debtor also must amend Article IV, Paragraph D.1 of the Plan on page 22 to make it consistent with the treatment of Group II in Section I.B.2 of the Disclosure Statement.

Debtor has not complied with this requirement of the Court's August 14, 2009 Order. The reason the Court required this correction in the Fourth Amended Disclosure Statement was because Debtor had not stated the amount of the claim of the Department of Community Health in the Fourth Amended Plan and Fourth Amended Disclosure Statement, and Exhibit E to the Fourth Amended Disclosure Statement, which was the Liquidation Analysis, listed the priority

unsecured claim in the amount of \$362,778.06 for the Department of Community Health. In Debtor's Fifth Amended Disclosure Statement, the Debtor still did not state the amount of the unsecured priority claim of the Department of Community, and has removed the claim of the Department of Community Health from the list of unsecured priority claims in the Liquidation Analysis.

On July 16, 2009, the Court entered an "Order Overruling Debtor's Objection to Claim No. 14 of State of Michigan, Department of Community Health" (Docket # 180), which provided, in relevant part, that "Claim No. 14 filed by the State of Michigan, Department of Community Health is allowed in full as a priority claim under 11U.S.C. § 507(a)(8)(E)." The Fifth Amended Disclosure Statement acknowledge entry of this Order. Proof of Claim No. 14, filed by the Department of Community Health is in the amount of \$453,636.23. Given these facts, Debtor must state in an amended plan and disclosure statement and in an amended liquidation analysis that the Department of Community Health has an unsecured priority claim in the amount of \$453,636.23.

In the alternative, Debtor must file a memorandum explaining why it has treated the claim of the Department of Community Health in the manner it has treated the claim in the Fifth Amended Disclosure Statement, and why Debtor did not comply with the Court's August 14, 2009 Order in this regard.

Accordingly,

IT IS ORDERED that Debtor must file, no later than **August 25, 2009**, an amended combined plan and disclosure statement which corrects the above stated problem.

IT IS FURTHER ORDERED that Debtor also must provide to Judge's chambers, no later

than **August 25, 2009**, a redlined version of the amended combined plan and disclosure statement, showing the changes Debtor has made to its “Fifth Amended Combined Plan and Disclosure Statement of Little Rock Baptist Charity Care Center, Inc.” filed August 18, 2009. Debtor must submit this redlined document to chambers electronically, through the Court’s order submission program.

IT IS FURTHER ORDERED that as an alternative to filing the amended combined plan and disclosure statement, Debtor must file the memorandum described above, no later than **August 25, 2009**.

Signed on August 20, 2009

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge